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Attorneys for Defendant Safeway, Inc.

UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

ROBERT BRINKERHOFF, )

Plaintiff, )

v. )

SAFEWAY, INC., )

Defendant. )

Case No. 4:22-cv-\_\_\_\_\_

**NOTICE OF REMOVAL OF CASE FROM STATE COURT  
(SUPERIOR COURT CASE NO. 4FA-22-02184 CI)**

TO THE DISTRICT COURT OF THE UNITED STATES, DISTRICT OF  
ALASKA, AND TO PLAINTIFF AND HIS ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that Defendant Safeway, Inc., contemporaneous with  
the filing of this “Notice of Removal of Case From State Court,” is effectuating the  
removal of the above-referenced action from the Superior Court of the State of Alaska,  
Fourth Judicial District at Fairbanks to the United States District Court for the District of  
Alaska. The removal is based on the following grounds:

DELANEY WILES, INC.  
SUITE 300  
1007 WEST 3<sup>RD</sup>  
AVENUE  
ANCHORAGE, ALASKA  
99501  
(907) 279-3581  
FAX (907) 277-1331

1. On or about September 20, 2022, Plaintiff filed through his attorney the above titled action, *Robert Brinkerhoff v. Safeway, Inc.*, Case No. 4FA-22-02184 CI, in the Superior Court for the State of Alaska, Fourth Judicial District at Fairbanks. Copies of the original Complaint and all process, pleadings and other orders required to be included with the notice per 28 U.S.C. § 1446(a) are attached hereto as **Exhibit A**.

2. On or about September 22, 2022, Defendant Safeway, Inc. received a copy of the Complaint and Summons via its registered agent. A true and correct copy of these documents are attached as part of Exhibit A, and are incorporated by reference herein as though fully set forth.

3. The United States District Court has jurisdiction over the superior court action in this matter, pursuant to 28 U.S.C. § 1332, as one that may be removed under 28 U.S.C. § 1441(a) based on diversity of citizenship, and as meeting all jurisdictional requirements.

4. This notice of removal is timely filed in that it is filed within thirty days of receipt of a copy of the Complaint by Safeway, Inc. which sets out a claim for relief.

5. The Complaint alleges Plaintiff Robert Brinkerhoff is a resident of the State of Alaska.

6. Defendant Safeway Inc. is a corporation organized under the laws of the state of Delaware with its principal place of business in Pleasanton, California.

7. There is complete diversity of citizenship between Plaintiff and Defendant.

9. Although the Complaint does not expressly allege an amount of compensatory damages, the jurisdictional minimum for the superior court in which

**NOTICE OF REMOVAL OF CASE FROM STATE COURT**

*Brinkerhoff v. Safeway, Inc.*, Case No. 4:22-cv-\_\_\_\_\_

Case 4:22-cv-00070-SLG Document 1 Filed 10/13/22 Page 2 of 3

Page 2 of 3

Plaintiff filed his Complaint is \$100,000. Therefore, on information and belief and without conceding same, Plaintiff's claims exceed \$100,000.00, thus meeting the jurisdictional requirements of 28 U.S.C. § 1332(b).

10. Defendant expressly consents to the removal of this action.

11. The notice to State Superior Court of the notice of removal is being filed contemporaneously with this notice in federal court. A true and correct copy of the Notice to State Court of Removal filed in Case No. 4FA-22-02184 CI is attached hereto as **Exhibit B.**

DATED this 12<sup>th</sup> day of October, 2022, at Anchorage, Alaska.

DELANEY WILES, INC.  
Attorneys for Defendant Safeway, Inc.

s/Whitney L. Wilkson  
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Alaska Bar Assoc. No. 1111092

#### **CERTIFICATE OF SERVICE**

I certify that copies of the above document were served this 12<sup>th</sup> day of October, 2022, by email on:

Timothy Twomey  
Crowson Law Group  
637 A. St.  
Anchorage, AK 99501  
[tim@crowsonlaw.com](mailto:tim@crowsonlaw.com)

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s/Whitney L. Wilkson  
Whitney L. Wilkson/ 4872-0917-4585, v. 1

#### **NOTICE OF REMOVAL OF CASE FROM STATE COURT**

*Brinkerhoff v. Safeway, Inc.*, Case No. 4:22-cv-

**Case 4:22-cv-00070-SLG Document 1 Filed 10/13/22 Page 3 of 3**

Page 3 of 3